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Date: 02/13/2004 10:17 AM Pg: 1 of 13

*United States District Court
Northern District of Illinois
Eastern Division*



I, Michael W. Dobbins, Clerk of the United States District Court
of Illinois, do hereby attest and certify that the annexed document
is a true and correct copy of the original(s) on file in my office and in

IN TESTIMONY WHEREOF
I have subscribed my name and affixed my seal to the
foresaid court at Chicago, Illinois

MICHAEL W. DOBBINS

By: Maria

Deputy Clerk

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Minute Order Form (0697)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	97 CR 744 - 1	DATE	5/29/2003
CASE TITLE	United States vs. Jerry Liscak		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Enter final order of forfeiture.
- (11) [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.			
EF courtroom deputy's initials	Date/time received in central Clerk's Office	number of notices date docketed 5/29/2003 docketing deputy initials date mailed notice	203
		mailing deputy initials	

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UNITED STATES OF AMERICA
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED
JUN 02 2003

UNITED STATES OF AMERICA)	
)	
v.)	No. 97 CR 744
)	The Hon. Charles R. Norgle, Sr.
JERRY LISCAK)	

FINAL ORDER OF FORFEITURE

This cause comes before the Court on motion of the United States for entry of a final order of forfeiture as to specific property pursuant to the provisions of Title 18, United States Code, Section 982(a)(6)(A),¹ and the Court being fully informed hereby finds as follows.

(a) On March 25, 1998, a superseding indictment was returned charging defendant JERRY LISCAK with violations of the Immigration and Nationality Act, pursuant to the provisions of 18 U.S.C. § 1546(a), among other violations;

(b) The superseding indictment sought forfeiture to the United States of specific property pursuant to the provisions of 18 U.S.C. § 982(a)(6)(A);

(c) On April 5, 1999, a jury trial was held before this Court;

¹ After the Superseding Indictment was returned in this case, 18 U.S.C. § 982 was amended by the Telemarketing Fraud Prevention Act of 1998, Pub. L. 105-184 (June 23, 1998). While subsection (a)(6)(A) was not substantively modified, it was renumbered as subsection (a)(7). Hereinafter, this provision will be referred to as subsection (a)(6)(A) as it was numbered at the time of the Superseding Indictment.

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(d) On April 14, 1999, the jury returned a verdict of guilty against defendant JERRY LISCAK on Counts One, Two, and Four through Eighteen of the superseding indictment, thereby making certain property subject to forfeiture pursuant to the provisions of 18 U.S.C. § 982(a)(6)(A);

(e) Defendant JERRY LISCAK waived his right to have the forfeiture allegations in the superseding indictment considered by the jury. It was agreed instead that this Court would consider the issues relating to the forfeiture at the time of sentencing;

(f) On October 14, 1999, at the defendant's sentencing hearing, this Court found that defendant JERRY LISCAK intended to use and did use the property described below, commonly known as 10058 South Roberts Road, Palos Hills, Illinois, and legally described as:

THE SOUTH ½ OF THE SOUTH 1/8 OF THE EAST ½ OF THE EAST ½ OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 (EXCEPT THE EAST 50 FEET AS MEASURED ALONG RIGHT ANGLES TO CENTER LINE OF ROBERTS ROAD) OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 23-11-401-041; and

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to facilitate the criminal violations of Counts Four, Fifteen and Seventeen of the superseding indictment. Accordingly, these properties are therefore subject to forfeiture pursuant to the provisions of 18 U.S.C. § 982(a)(6)(A);

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(g) On October 14, 1999, this Court entered a preliminary order of forfeiture forfeiting any interest defendant JERRY LISCAK had in the foregoing properties and directing the United States Marshals Service to seize and take custody of the property. Further, the United States Marshals Service was ordered to publish notice of the United States' intention to forfeit the property according to law;

(h) On October 15, 1999, defendant JERRY LISCAK filed an appeal from this Court's October 14, 1999 order forfeiting certain assets, including the real property commonly known as 10058 South Roberts Road, Palos Hills, Illinois ("the real property"), but posted no bond;

(i) On October 20, 1999, Lubomir Liscak, brother of defendant JERRY LISCAK, and Jan Rusnak, father-in-law of defendant JERRY LISCAK, by their attorney, Alan Nagel, filed a petition to request a hearing to adjudicate their interest in the real property;

(j) On October 26, 1999, the Cook County Treasurer's Office filed a claim stating their interest the real property. The United States does not contest the legitimacy of the petition filed by the Cook County Treasurer's Office. Furthermore, the Office of the Cook County Treasurer shall be paid any and all unpaid real estate taxes due and owing on the real property, as documented on the date of the sale of the real property;

(k) On November 10, 1999, the United States filed a motion to

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dismiss the third-party claims of Jan Rusnak and Lubomir Liscak, and a motion for extension of time within which to conduct an evidentiary hearing in the event that this Court denied the government's motion to dismiss the third-party claims;

(l) Pursuant to the provisions of 21 U.S.C. § 853(n)(1), as incorporated by 18 U.S.C. § 982(a)(6)(B), on November 10, 1999, the Chicago Tribune published notice of the forfeiture and of the United States' intent to dispose of the property according to law;

(m) All those with a known interest in the foregoing property were then duly served with a copy of the notice of forfeiture and preliminary order of forfeiture, including Standard Bank & Trust Company of Hickory Hills, First Midwest Bank (formerly known as Heritage Bank), Anna Liscak, Jan Rusnak, Alan Nagel, attorney for Jan Rusnak and Lubomir Liscak and James Graham, attorney for defendant JERRY LISCAK;

(n) No other party has filed a petition to adjudicate an interest in the foregoing property within the time period allowed by law;

(o) On December 8, 1999, petitioners Jan Rusnak and Lubomir Liscak, by their attorney, Alan Nagel, filed their response to the United States motion to dismiss the third party claims;

(p) After the entry of the preliminary order of forfeiture, the United States learned that the real property subject to forfeiture was occupied;

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(q) Because defendant JERRY LISCAK no longer had any interest in the property, on December 9, 1999, a Deputy United States Marshal advised the tenants that, pursuant to United States Marshal's procedure, anyone currently residing at the property must execute an occupancy agreement in order to continue to reside at the property until the date of sale;

(r) On the same date, tenants Dion Batson and Anthony O'Connell signed separate occupancy agreements that would allow them to remain living at the real property until the date of sale. The tenants were further instructed to forward their lease payments to the United States Marshals Service, as property subject to forfeiture to the United States, to be retained in the seized asset forfeiture fund pending the sale of the real property by the United States Marshals Service;

(s) On December 22, 1999, the United States filed a reply in support of its motion to dismiss the third-party claims of Jan Rusnak and Lubomir Liscak;

(t) On or about April 14, 2000, attorney James Graham filed a motion to withdraw as counsel for defendant JERRY LISCAK;

(u) On May 16, 2000, the Court entered an order denying the government's motion to dismiss the third-party claims of Jan Rusnak and Lubomir Liscak, but granted the government's motion for an extension of time for an evidentiary hearing until August 24, 2000;

(v) Subsequently, on August 24, 2000, the Court entered a

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minute order instructing claimants, Jan Rusnak and Lubomir Liscak, to comply with the government's discovery request;

(w) On December 8, 2000, the government filed its motion to dismiss the third party claims of Jan Rusnak and Lubomir Liscak for want of prosecution;

(x) On March 23, 2001, Jan Rusnak and Lubomir Liscak were ordered to comply with all outstanding discovery requests on or before April 13, 2001;

(y) On April 23, 2001, the government took the deposition of Jan Rusnak. However, Lubomir Liscak did not appear for his scheduled deposition;

(z) On April 24, 2001, a hearing was held relating to the third party claim of Jan Rusnak. At the hearing, Jan Rusnak testified regarding his claim;

(aa) On November 21, 2001, the government filed its Renewed Motion to Dismiss the Third Party Claims and Jan Rusnak and Lubomir Liscak and Motion for Entry of a Final Order of Forfeiture;

(bb) On November 28, 2001, a status hearing was held regarding the government's motion and at that time all third party claimants were required to file their responses to the motion on or before January 31, 2002;

(cc) On January 18, 2002, this Court granted defendant's motion for extension of time to respond the government's motion. Any third parties were given until March 29, 2002 upon which to

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file their response;

(dd) On March 4, 2002, third party attorneys Howard Hoffman and Frederick Ball filed a motion to withdraw as attorneys for Jan Rusnak and Lubomir Liscak;

(ee) On April 3, 2002, Anna Liscak, as an agent for Jan Rusnak, filed a motion for an extension of time and clarification. In her motion, Anna Liscak requested a 30 day extension for the status hearing citing health problems of Jan Rusnak;

(ff) Since April 20, 2002, neither Anna Liscak, Jan Rusnak nor Lubimor Liscak have filed any response to the government's motion thus abandoning their claim and presumably any interest in the defendant real property.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED:

1. That, pursuant to the provisions of 18 U.S.C. § 982(a)(6)(A), all right, title, and interest of claimants JAN RUSNAK and LUBOMIR LISCAK, as well as defendant JERRY LISCAK, in following property, including the real property commonly known as 10058 South Roberts Road, Palos Hills, Illinois, and legally described as:

THE SOUTH ½ OF THE SOUTH 1/8 OF THE EAST ½ OF THE EAST ½ OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 (EXCEPT THE EAST 50 FEET AS MEASURED ALONG RIGHT ANGLES TO CENTER LINE OF ROBERTS ROAD) OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 23-11-401-041; and

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are hereby forfeited to the United States of America for disposition according to law;

2. That, pursuant to the provisions of 18 U.S.C. § 982(a)(6)(A), and because petitioners Jan Rusnak and Lubomir Liscak failed to prosecute their claims and comply with this Court's orders, all right, title, and interest of petitioners Jan Rusnak and Lubomir Liscak in the real property, commonly known as 10058 South Roberts Road, Palos Hills, Illinois, and legally described above, is forfeit to the United States of America for disposition according to law;

3. That, pursuant to the provisions of 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1), all right, title, and interest in any lease payments made by tenants of the foregoing real property to the United States Marshal Service are hereby forfeited to the United States of America for disposition according to law;

4. It is further ordered that the current tenants of the foregoing property shall continue to forward lease payments to the United States Marshals Service pursuant to the occupancy agreements to be disposed of according to law;

5. That, pursuant to the provisions of 21 U.S.C. § 853(n)(7), as incorporated by 18 U.S.C. § 982(b)(1), following entry of this final order of forfeiture, the United States shall

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have clear title to the foregoing property and shall dispose of the property according to law;

6. That, following the entry of this final order of forfeiture, the United States Marshals Service shall seize and take custody of the foregoing property to dispose of it according to law;

7. Following the sale of the real property, the proceeds shall be distributed as follows:

(a) First, any state, county, city or school taxes due and owing shall be paid from the proceeds of the sale, less any previously paid amount. In addition, any and all unpaid real estate taxes due and owing, as documented at the date of closing shall be paid to the Office of the Cook County Treasurer;

(b) Second, the United States Marshals Service shall be permitted to deduct from the proceeds of the sale of the real property any reasonable and necessary costs they incurred to effectuate the sale of the real property or to maintain this property during the pendency of these proceedings;

(c) Third, to effectuate the terms of this order, the United States Marshal shall retain a real estate broker with multi-listing capabilities and shall be paid a commission pursuant to the terms of its contract;

(d) Fourth, the proceeds remaining from the sale of the real property shall be forfeited to the United States and disposed

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of according to law;

8. This Court shall retain jurisdiction in this matter to take additional action and enter further orders as necessary to implement and enforce this forfeiture order.



CHARLES R. NORGLÉ, SR.
United States District Judge

DATED: MAY 29 2003

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